

**AN ORDINANCE TO AMEND CHAPTERS 42 AND 45 OF THE
CITY CODE APPLICABLE TO THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Council of the City of Wilmington deems it necessary to amend

Chapters 42, and 45 of the City Code to revise the provisions that are applicable to the Department of Public Works.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 42 of the City Code is hereby amended by amending Sec. 42-593, "Location review", by deleting the understricken word within brackets and adding the underlined language to read as follows:

Sec. 42-593. Location review.

(a) Upon receipt of an application for a permit and the recommendation of the WDBID vending committee, the department shall review each location applied for to determine whether such location is proper for vending operations and whether the proposed use of such location for mall vending, sidewalk sale, merchant display, or special event is compatible with the public interest in the use of the mall areas as a public right-of-way. In making such determination, the department may consider the width of the ~~[mall's]~~ mall's open space, the proximity and location of existing street furniture including, but not limited to, signposts, lamp posts, nearby bus shelters, benches, phone booths, and newsstands as well as the presence of nearby bus stops and truck loading zones, ~~[the]~~ in order to determine whether the proposed use would result in pedestrian or street congestion.

SECTION 2. Chapter 45 of the City Code is hereby amended by amending Sec. 45-31, "Assessment against abutting property for sewer main construction", by deleting the understricken language in brackets and by adding the underlined language to read as follows:

Sec. 45-31 Assessment against abutting property for sewer main construction

The following fees to recover costs incurred by the city shall be assessed and charged for the connection of any individual properties in any residential or commercial development of one or more parcels of property in the city,

#3190

Sponsor:

Council
Member
Potter

whether it is new construction or renovation of an existing building, to the system of the city:

~~In accordance with the terms of an act of the legislature entitled "An Act Pertaining to a System of Sewers for the City of Wilmington," being chapter 209, Volume 19, Laws of Delaware, as amended, the following rates are hereby fixed by the city for assessment against abutting property for sewers to be constructed in the street, highways, lanes or alleys of the city:~~

~~(1) For each front foot of such property upon the street, highway, lane or alley in which any public sewer is constructed, the sum of \$32.00.~~

~~(2) For each square foot of such property between such street, highway, lane or alley and a line not exceeding 150 feet distant from and parallel with the line of such street, highway, lane or alley, the sum of \$0.40.~~

(a) The city will obtain a quote from the sewer contractor of record for the work performed by the owner or the owner's representative for work to improve the sewer. Such quote plus a 10% administration fee shall be presented to the owner for payment in full prior to work commencing.

(b) The owner or the owner's representative has the option of contracting directly with contractors approved by the Commissioner to do the work proposed. Such work will be subject to plan review, inspection and resultant fee requirements.

SECTION 3. Chapter 45 of the City Code is hereby amended by amending Sec. 45-32, "Charge for sewer branches from main sewer to curb line", by deleting the understricken language in brackets and by adding the underlined language to read as follows:

Sec. 45-32 Charge for sewer branches from main sewer to curb line.

(a) The following fees to recover costs incurred by the city shall be assessed and charged for the connection of any individual properties in any residential or commercial development of one or more parcels of property in the city, whether it is new construction or renovation of an existing building, to the sewer system of the city.

~~(b) The charge to be made by the department of public works for sewer branches from the main sewer to the curb line shall be a charge in accordance with the table below per lineal foot of sewer branch or lateral pipe, including excavating and filling of the trench, furnishing of material and laying of pipe.~~

~~Table of Sewer Branch or
Lateral Pipe Charges~~

~~TABLE INSET:~~

Branch or Pipe Diameter (in inches)	Charge Per Foot, City- Maintained Street	Charge Per Foot, State-Maintained Street
6	\$120.00	\$240.00
8	130.00	260.00
10	140.00	280.00
12	150.00	300.00
15	160.00	320.00
18	170.00	340.00

~~(c) In addition, there shall be a paving restoration fee of \$160.00 per square yard for each connection involving a city-maintained street and \$320.00 per square yard for each connection involving a state-maintained street, in accordance with maps and records regarding designation of such streets on file in the department of public works.~~

~~(d) The manhole charges shall be \$250.00 for each vertical foot of depth of the manhole.~~

(b) The city will obtain a quote from the sewer contractor of record for the work performed by the owner or the owner's representative for work to improve the sewer. Such quote plus a 10% administration fee shall be presented to the owner for payment in full prior to work commencing.

(c) The owner or the owner's representative has the option of contracting directly with contractors approved by the Commissioner to do the work proposed. Such work will be subject to plan review, inspection and resultant fee requirements.

(e) (d) The department of public works shall also be authorized to charge a fee on a time and material basis for rock excavation for sewer laterals installed in known rock areas in order that the city shall recover all costs incurred by the city.

~~(f)~~ (e) Each connection shall be computed for the distance from the curb line to the center of the street, irrespective of the location of the sewer in the street.

(g) ~~(f)~~ Waivers. There may be a waiver of fees otherwise required by the provisions of this section, but only if recommended by the director of real estate and housing and approved in writing by both the commissioner of public works and the director of finance and if such waiver is part of an incentive for a city-assisted or city-supported low-income residential development.

SECTION 4. Chapter 45 of the City Code is hereby amended by adding Sec. 45-34 and the underlined language to read as follows:

Sec. 45-34. Ownership of the sewer lateral.

The owner or owners of property served by the sewer lateral shall be deemed to be the owner of the lateral up to and including the connection to the sewer main.

SECTION 5. Chapter 45 of the City Code is hereby amended by amending Sec. 45-82, "Installation cost –within the city", by deleting the understricken language in brackets and by adding the underlined language to read as follows:

Sec. 45-82. Installation cost ~~=within the city.~~

~~(a) The department shall bear the full cost of installing a water service on all services of one inch and under, including the meter or meter replacement, subject to rules and regulations in this division, within the city, except for those covered by sections 45-79 and 45-80, and except that the costs of meter replacement shall be borne by the water service customer if the customer requested the meter replacement and, for new construction or substantial rehabilitation, the owner or developer shall bear the full costs of the meter or meter replacement.~~

~~(b)~~ (a) On all services exceeding one-inch, the applicant shall pay the full cost of installing the water service, including the meter or meter replacement. The cost of such installation shall be estimated by the commissioner and the amount of such estimate shall be paid by the applicant to the department of finance prior to the installation of the service.

~~(c)~~ (b) For purposes of this chapter, a meter shall be presumed to have a useful life of ten (10) years.

~~(d)~~ (c) Waivers. There may be a waiver of fees otherwise required by the provisions of this section, but only if recommended by the director of real estate and housing and approved in writing by both the commissioner of public works

and the director of finance and if such waiver is part of an incentive for a city-assisted or city-supported low-income residential development.

(e) (d) In all installations of water service or replacement of meters, regardless of size of meter, there shall be installed a remote meter reading device.

SECTION 6. Chapter 45 of the City Code is hereby amended by amending Sec. 45-94, "Unauthorized opening or shutting off stop cocks, etc.," by deleting the understricken language in brackets and by adding the underlined language to read as follows:

Sec. 45-94 Unauthorized opening or shutting off stop cocks, etc.

~~Any person except the commissioner, or some person by his authority, who opens or shuts the stop cocks, fire hydrants or water gates attached to the pipes or conduit, is guilty of a misdemeanor and shall be punished by a fine of \$100.00. Only employees of the city of Wilmington, Department of Public Works or contractors retained by the city of Wilmington Department of Public Works are authorized to open or shut stop cocks, fire hydrants or water gates attached to the pipes or conduit. Any other person doing so shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of \$100.00. If during the unauthorized use of such appurtenances, the stop cock, hydrant or water gate is damaged, responsibility for repair or replacement shall be that of the owner of the property served or the contractor performing the work.~~

SECTION 7. Chapter 45 of the City Code is hereby amended by amending Sec. 45-129, "Renewal of service line", by deleting the understricken language in brackets and by adding the underlined language to read as follows:

Sec. 45-129 Renewal of service line.

Where renewal of service line from the street main to the curb is found to be necessary, the department will renew such service in the same location as the old one. If the property owner, or customer, for his own convenience, desires the new service line at some other location and agrees to pay all expenses of such relocations in excess of the cost of laying the service line in the same location as the old service line and cutting off and disconnecting the old service line, the department will lay the new service line at the location desired. ~~Outside the corporate limits of the city the~~ The full cost of a renewal of a service line shall be borne by the applicant.

SECTION 8. Chapter 45 of the City Code is hereby amended by amending Sec. 45-133, "Infrastructure renewal program", by deleting the understricken language in brackets and by adding the underlined language to read as follows:

Sec. 45-133. Infrastructure renewal program.

...

(c) ~~Annual contracts.~~ Program. The commissioner of public works is authorized to establish annual contracts with licensed plumbers for the purpose of performing the work authorized in this section.

(d) Responsibility for maintenance. The maintenance of any private service line repaired or replaced under this section shall be the responsibility of the property owner.

(e) Limitation of liability. The city shall incur no liability whatsoever as a consequence of any actions taken by the commissioner of public works, or any of his designees, pursuant to the provisions of this section.

SECTION 9. Chapter 45 of the City Code is hereby amended by amending Sec. 45-142, "Placement of meters", by deleting the understricken language in brackets to read as follows:

Sec. 45-142. Placement of meters.

The meter shall be set after the customer has had the plumbing arranged to receive the meter at a convenient point approved by the department and in accordance with department specifications so as to control the entire supply. In places where, in the sole determination of the city engineer, it is not practical to place the meter within a building, ~~or where the distance between the location where the meter within a building, or where the distance between the location where the meter is intended to be installed inside the building and the curb line (as measured along the water line route) exceeds 100 feet,~~ a brick or concrete meter pit, with department approved iron cover or other department approved meter box, shall be built inside the property line by the customer at a location acceptable to the city engineer. The size and dimensions of the pit shall be approved by the department, shall give adequate access to the meter and permit its installation or removal.

SECTION 10. This Ordinance shall become effective thirty (30) days following its date of passage by the City Council and approval by the Mayor.

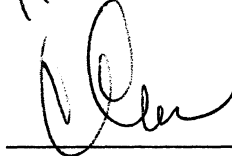
First Reading June 18, 2009
Second Reading.... June 18, 2009
Third Reading August 27, 2009

Passed by City Council, August 27, 2009


President of City Council 8/27/09

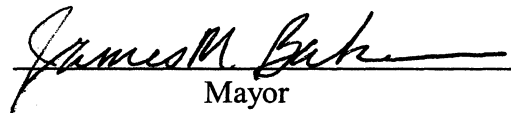
ATTEST 
City Clerk

Approved as to form this
17th day of June, 2009



Assistant City Solicitor

Approved this 28th day of
August, 2009


Mayor

SYNOPSIS: This Ordinance amends Sections 42 and 45 of the City Code to revise certain provisions applicable to the Department of Public Works.